

Notice of Allowability

Application No.

10/051,299

Applicant(s)

OHMURA ET AL.

Examiner

Art Unit

Tina M Lin

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment received 28 October 2003.
2. ☒ The allowed claim(s) is/are 1 and 3-19.
3. ☒ The drawings filed on 11 July 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____. |
| 3 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. <u>07/2002</u> | 7 <input type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |


Brian Healy
Primary Examiner

Applicant's arguments filed on 28 October 2003 have been fully considered along with the additional limitations included in the claims. Claims 1 and 3-19 are therefore allowed with the additional limitations included.

Examiner's Statement Of Reasons For Allowance

The following is an examiner's statement of reasons for allowance:

Applicant's arguments and amendment filed 28 October 2003 with respect to claims 1 and 3-19 have been fully considered and are persuasive. The rejection in the previous Office action, mailed 03 April 2003 has been withdrawn.

Claims 4, 10, 12, 14, 15, 18 and 19 are allowable for the reasons set forth in the previous Office action mailed on 03 April 2003.

By the amendment and arguments submitted on 28 October 2003, claims 1, 3, 5-9, 11, 13 and 16-17 are now allowable. The prior art of record in this application fails to disclose or reasonably suggest a waveguide type filter has a periodically perturbation part in part of the waveguide where part of the of the waveguide is tilted along the periodically perturbation parts by twisting or rotating a plane formed by a line passing a given point on the optical axis in the periodically perturbation part about the optical axis with respect to the longitudinal direction of the optical waveguide. The closest prior art of record is U.S. Patent 6,427,041 B1 to Strasser et al. and U.S. Patent Application Publication US2002/0172461 A1 to Singer et al. Strasser et al. discloses an optical waveguide with a titled refractive index, but Strasser et al. fails to mention twisting the waveguide to create a tilted waveguide. However, Singer et al. does disclose twisting a waveguide and securing that waveguide in order to create a tilted periodic perturbation part, however, Singer et al. also fails to mention rotating the plane along a plane with respect to

the longitudinal axis. Singer on the other hand rotates the waveguide in the latitudinal direction of the same plane. Therefore, claims 1, 3, 5-9, 11, 13, and 16-17 are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


The documents submitted by applicant in the Information Disclosure Statement have been considered and made of record. Note attached copy of form PTO-1449. None of the documents submitted by Applicant disclose or reasonably suggests the allowable subject matter discussed above or in the previous Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tina M Lin whose telephone number is (703) 305-1959. The examiner can normally be reached on Monday-Friday 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (703) 308-4819. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


TML


Brian Healy
Primary Examiner